

HOUSE BILL 559

Unofficial Copy  
P4  
SB 559/03 - FIN

2004 Regular Session  
4r1907  
CF 4r1852

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By: **Delegates Barkley, Anderson, Barve, Benson, Bobo, Burns, Cane, Carter, G. Clagett, Conroy, C. Davis, DeBoy, Feldman, Franchot, Frush, Gaines, Hammen, Harrison, Haynes, Heller, Hixson, Holmes, Howard, Hubbard, Jones, Kaiser, Kelley, Kirk, Krysiak, Lee, Madaleno, Malone, Mandel, Marriott, McHale, McIntosh, Menes, Moe, Montgomery, Murray, Nathan-Pulliam, Oaks, Paige, Patterson, Proctor, Ramirez, Rosenberg, Sophocleus, Stern, Taylor, F. Turner, V. Turner, Vaughn, Weir, and Zirkin**

Introduced and read first time: February 3, 2004  
Assigned to: Appropriations

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A BILL ENTITLED

1 AN ACT concerning

2 **State Personnel - Collective Bargaining - Binding Arbitration**

3 FOR the purpose of providing that a certain grievance is subject to binding  
4 arbitration; requiring that binding arbitration be conducted if requested by a  
5 certain appointing authority or exclusive representative; prescribing the method  
6 for selecting an arbitrator; establishing the powers and duties of an arbitrator;  
7 providing for the payment of the cost of arbitration; defining a certain term; and  
8 generally relating to binding arbitration.

9 BY adding to  
10 Article - State Personnel and Pensions  
11 Section 3-701 through 3-706, inclusive, to be under the new subtitle "Subtitle 7.  
12 Binding Arbitration"  
13 Annotated Code of Maryland  
14 (1997 Replacement Volume and 2003 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article - State Personnel and Pensions**

18 **SUBTITLE 7. BINDING ARBITRATION.**

19 3-701.

20 IN THIS SUBTITLE, "GRIEVANCE" MEANS A DISPUTE REGARDING THE  
21 INTERPRETATION OR APPLICATION OF THE TERMS OF A MEMORANDUM OF  
22 UNDERSTANDING NEGOTIATED AND RATIFIED UNDER THIS TITLE.

1 3-702.

2 (A) A GRIEVANCE THAT ARISES IN A BARGAINING UNIT WITH AN EXCLUSIVE  
3 REPRESENTATIVE IS SUBJECT TO BINDING ARBITRATION BEFORE A NEUTRAL  
4 ARBITRATOR.

5 (B) BINDING ARBITRATION SHALL BE CONDUCTED IF REQUESTED BY THE  
6 APPOINTING AUTHORITY OR THE EXCLUSIVE REPRESENTATIVE OF THE BARGAINING  
7 UNIT IN WHICH THE GRIEVANCE AROSE.

8 3-703.

9 THE APPOINTING AUTHORITY AND THE EXCLUSIVE REPRESENTATIVE SHALL  
10 SELECT AN ARBITRATOR BY MUTUAL AGREEMENT OR BY ALTERNATING STRIKES  
11 FROM A LIST THAT:

12 (1) IS PROVIDED BY THE FEDERAL MEDIATION AND CONCILIATION  
13 SERVICE; AND

14 (2) CONSISTS OF NINE LABOR ARBITRATORS WHO ARE MEMBERS OF  
15 THE NATIONAL ACADEMY OF ARBITRATORS.

16 3-704.

17 (A) AN ARBITRATOR SELECTED UNDER § 3-703 OF THIS SUBTITLE MAY:

18 (1) CONVENE AND CONDUCT AN EVIDENTIARY HEARING;

19 (2) ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES  
20 AND THE PRODUCTION OF DOCUMENTS AND OTHER TANGIBLE EVIDENCE;

21 (3) HEAR EVIDENCE AND RULE ON THE ADMISSIBILITY OF EVIDENCE;

22 (4) DETERMINE WHICH ISSUES ARE IN DISPUTE; AND

23 (5) ISSUE A FINAL, BINDING RULING ON THE GRIEVANCE.

24 (B) IF A PERSON FAILS TO COMPLY WITH A SUBPOENA ISSUED UNDER THIS  
25 SECTION OR FAILS TO TESTIFY ON A MATTER ON WHICH THE PERSON LAWFULLY  
26 MAY BE INTERROGATED, ON PETITION OF THE ARBITRATOR, A COURT MAY:

27 (1) PASS AN ORDER DIRECTING COMPLIANCE WITH THE SUBPOENA OR  
28 COMPELLING TESTIMONY; AND

29 (2) ENFORCE THE ORDER BY PROCEEDINGS OF CONTEMPT.

30 3-705.

31 AN ARBITRATOR SHALL DELIVER A COPY OF A RULING AND A WRITTEN  
32 STATEMENT THAT EXPLAINS THE REASONS FOR THE RULING TO THE EXCLUSIVE  
33 REPRESENTATIVE AND THE APPOINTING AUTHORITY.

1 3-706.

2 THE COSTS OF BINDING ARBITRATION, INCLUDING AN ARBITRATOR'S FEES AND  
3 OTHER COSTS RELATED TO A HEARING, CONDUCTED UNDER THIS SUBTITLE SHALL  
4 BE PAID EQUALLY BY THE APPOINTING AUTHORITY AND THE EXCLUSIVE  
5 REPRESENTATIVE.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
7 October 1, 2004.